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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177939
Party	Plaintiff Mir Rahim
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Submission	Stipulated/Consent Motion to Extend
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Signature	/s/ William L. Niro
Date	02/04/2011
Attachments	Ext Time (4) to File Trial Brief [FINAL].pdf (4 pages)(17993 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MIR RAHIM,	Mark:	CARDIO TENNIS HEART
Opposer,		PUMPING FITNESS (& Design)
v.	Serial No.:	78/646,142
TENNIS INDUSTRY ASSOCIATION,	Filed:	June 8, 2005
Applicant.	Opposition No:	91177939
	Examiner:	Tina Louis Snapp Law Office 116

FOURTH JOINT MOTION TO EXTEND TRIAL BRIEF DATES

Opposer, Mir Rahim and Applicant, Tennis Industry Association, through their respective counsel, pursuant to TBMP § 509.01 jointly move to extend the scheduled trial brief dates set by the Trademark Trial and Appeal Board on December 10, 2010. In support of this Motion, the parties state:

1. As previously advised, since the completion of discovery, the parties have been engaged in good faith settlement negotiations since the close of discovery.
2. Since December 2010, Counsel for the parties have had at least six telephone conferences, exchanged numerous e-mails and exchanged four different draft agreements which had a wide range of alternative provisions.
3. After exchanging numerous draft settlement agreements, the basic framework was agreed. The most recent draft was sent by Opposer's counsel to Applicant's counsel on January 13, 2011. Applicant's counsel returned Opposer's draft with suggested revisions on January 26, 2011. Counsel have had three telephone discussions this week.

4. Settlement discussions have continued and progressed to the point where the parties agree that only one issue remains to be resolved. That issue involves Opposer's future activities and plans to adopt and use a mark similar to the Applicant. The comprehensive settlement agreement exchanged provides for terms and conditions of a co-existence/consent agreement. The details of that one term need to be finalized.

5. The one issue remaining concerns Opposer's plans for future use of the Cardio Tennis mark, and Applicant's plans for future use of the Cardio Tennis mark. This requires a discussion with the clients and firming up each party's plans so that an appropriate term can be drafted.

6. The parties state that they have established a framework for resolving the final issue, but need time to fully discuss and draft suitable, documented wording for future co-existence and cooperation.

7. This request is made in good faith, and good cause exists to seek this relief. The parties have diligently pursued settlement and need the additional time to finalize the settlement terms.

8. Although counsel believe they can resolve the one remaining issue in 30 days, a 60-day extension of the trial brief dates is requested. That extension will result in the following schedule:

Event	Current Due Date	Proposed Due Date
Plaintiff's Brief	February 4, 2011	April 4, 2011
Defendant's Response Brief (if filed)	March 7, 2011	May 4, 2011 (30 days after due date of Plaintiff's Brief)
Plaintiff's Reply Brief (if filed)	March 22, 2011	May 19, 2011 (15 days after due date of Defendant's Response Brief (if filed))

WHEREFORE, the parties respectfully request that the Board grant the extension of time requested.

Respectfully,

/s/ William L. Niro

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **FOURTH JOINT MOTION TO EXTEND TRIAL BRIEF DATES** was served upon the following parties on February 4, 2011 by electronic transmission and first class mail:

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